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JUN 13 2006

**FACSIMILE COVER SHEET****NORRIS MCLAUGHLIN & MARCUS, P.A.**875 Third Avenue – 18<sup>th</sup> Floor  
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DATE : June 13, 2006

FAX NO. : Office of Petitions – MAIL STOP PETITIONS (571) 273-8300

Applicant(s) : GRÄBNER, Peter

Serial No. : 10/506,317  
(National Phase of PCT/DE03/00808)

DOCKET NO. : 102133-15

ART UNIT : 2837

EXAMINER : To be assigned

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE): 6

DESCRIPTION:

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents are being transmitted to the United States Patent and Trademark Office **Mail Stop Petition** by facsimile to the designated number for the Commissioner for Patents (571) 273-8300 on the date indicated below

1. Form PTO/SB/64 – Petition for Revival of an Application for Patent Abandoned Unintentionally under – 2 pages
2. Memo Accompanying Unintentionally abandoned Application Pursuant to 37 CFR § 1.137(b) – 3pages. – **PLEASE CHARGE DEPOSIT ACCOUNT 14-1263**
3. Fax cover sheet – 1 page

Date: June 13, 2006

Olimpia Jakubowska-Wrobel  
Olimpia Jakubowska-Wrobel



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JUN 13 2006

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) 102133-15
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First named inventor: GRÄBNER, Peter

Application No.: 10/506,317

Art Unit: 2837

Filed: August 30, 2004

Examiner: to be assigned

Title: Drive disk for high performance friction pairings

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



# RECEIVED CENTRAL FAX CENTER

JUN 13 2006

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*Christa Hildebrand*

Signature

June 13, 2006

Date

Christa Hildebrand

Typed or printed name

34,953

Registration Number, if applicable

Norris McLaughlin &amp; Marcus PA

Address

212 808-0700

Telephone Number

875 Third Avenue - 18th Floor, New York, NY 10022

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

June 13, 2006

Date

*Olimpia Jakubowska-Wrobel*

Signature

Olimpia Jakubowska-Wrobel

Typed or printed name of person signing certificate



**RECEIVED  
CENTRAL FAX CENTER****JUN 13 2006****FACSIMILE CERTIFICATION**

I hereby certify that this paper and every therein is being faxed  
to 571-273-8300 on the date indicated above and is addressed to:

Mail Stop Petition, Commissioner for Patents,  
P.O. Box 1450, Alexandria, V.A. 22313-1450.:

Olimpia Jakubowska-Wrobel 6/13/06  
Olimpia Jakubowska-Wrobel Date

PLEASE CHARGE ANY DEFICIENCIES  
UP TO \$600 OR CREDIT ANY EXCESS  
IN THE FEES DUE WITH THIS  
DOCUMENT TO OUR DEPOSIT  
ACCOUNT No. 14-1263

Attorney Docket No.: 102133-15

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : GRÄBNER, Peter  
Serial No. : 10/506,317  
(National Phase of PCT/DE03/00803)  
Filed : August 30, 2004  
For : Drive disk for high performance friction pairings  
Art Unit : 2837  
Examiner : To Be Assigned

Mail Stop Petition  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**MEMO ACCOMPANYING THE UNINTENTIONALLY ABANDONED  
APPLICATION PURSUANT TO 37 CFR § 1.137(b)**

SIR:

Petitioner respectfully requests that the Honorable Commissioner exercise his power  
and restore the above-identified application to pending status, the application having been  
unintentionally abandoned.

According to 37 CFR § 1.137(b), which sets forth the requirements for restoring an  
unintentionally abandoned application to pending status:

USSN: 10/506,317  
Inventor: Gräbner, Peter  
Att. Docket No.: 102133-15





"A grantable petition pursuant to this paragraph must be accompanied by:

- (1) The reply required ....;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional ....; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20d (d)) required pursuant to paragraph (c) of this section."

#### **The Reply**

With respect to requirement (1), applicant believes that no reply is due. This application was unintentionally abandoned. The reasons for by abandonment are not known to Applicant's newly appointed attorney who signed this petition and who previously filed a revocation of power and new power of attorney. The undersigned attorney has **no knowledge** as to the reasons of abandonment. The attorney assumes that the previous attorney did not respond to a Notice to file Missing Parts , either by not filing an English language translation of the international application PCT/DE03/00808 or by not paying the required fees, or both. Only upon review of the record of the presently held abandoned application is the new attorney able to identify the cause of abandonment and submit a proper correction (English language translation. If no filing fee was paid by the previous attorney, Applicant the Commissioner by the accompanying transmittal Form PTO-1390 to charge the basic national fee to Deposit Account No. 14-1263. Note that applicant qualifies for small entity status.

#### **The Petition Fee**

Regarding requirement (2), the Commissioner is also authorized to charge the fee set forth in § 1.17(m), and any other fees deemed necessary for consideration and/or grant of this petition, to Deposit Account No. 14-1263. Note that applicant qualifies for small entity status.

#### **The Statement that the Delay was Unintentional**

Regarding requirement (3), the undersigned hereby states that the entire delay in filing

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Inventor: Gräßner, Peter  
Att. Docket No.: 102133-15



the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

**The Need for a Terminal Disclaimer**

Regarding requirement (4), Petitioners submit that a terminal disclaimer is not required. By the terms of 37 CFR § 1.137(c), a terminal disclaimer must accompany a petition of this type, "[i]n a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995." Since the instant application does not fall into any of these categories, Petitioners submit that a terminal disclaimer is not required.

In view of the foregoing, Petitioners submit that all of the requirements of a grantable petition have been met. Accordingly, Petitioners respectfully request that the Honorable Commissioner exercise his power and restore this application to pending status.

Early and favorable action is earnestly solicited.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By



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USSN: 10/506,317  
Inventor: Gräbner, Peter  
Att. Docket No.: 102133-15

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